

108TH CONGRESS
1ST SESSION

H. R. 1759

To establish the Blue Ridge National Heritage Area in the State of North Carolina, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2003

Mr. TAYLOR of North Carolina (for himself and Mr. BALLENGER) introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish the Blue Ridge National Heritage Area in the State of North Carolina, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Blue Ridge National
5 Heritage Area Act of 2003”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the Blue Ridge Mountains and the extensive
9 cultural and natural resources of the Blue Ridge
10 Mountains have played a significant role in the his-

1 tory of the United States and the State of North
2 Carolina;

3 (2) archaeological evidence indicates that the
4 Blue Ridge Mountains have been inhabited by hu-
5 mans since the last retreat of the glaciers, with the
6 Native Americans living in the area at the time of
7 European discovery being primarily of Cherokee de-
8 scent;

9 (3) the Blue Ridge Mountains of western North
10 Carolina, including the Great Smoky Mountains,
11 played a unique and significant role in the establish-
12 ment and development of the culture of the United
13 States through several distinct legacies, including—

14 (A) the craft heritage that—

15 (i) was first influenced by the Cher-
16 okee Indians;

17 (ii) was the origin of—

18 (I) the traditional craft move-
19 ment starting in 1900; and

20 (II) the contemporary craft
21 movement starting in the 1940's; and
22 (iii) is carried out by over 4,000
23 craftspeople in the Blue Ridge Mountains
24 of western North Carolina, the third larg-

1 est concentration of such people in the
2 United States;

3 (B) a musical heritage comprised of dis-
4 tinctive instrumental and vocal traditions
5 that—

6 (i) includes stringband music, blue-
7 grass, ballad singing, blues, and sacred
8 music;

9 (ii) has received national recognition;
10 and

11 (iii) has made the region 1 of the
12 richest repositories of traditional music
13 and folklife in the United States;

14 (C) the Cherokee heritage—

15 (i) dating back thousands of years;
16 and

17 (ii) offering—

18 (I) nationally significant cultural
19 traditions practiced by the Eastern
20 Band of Cherokee Indians;

21 (II) authentic tradition bearers;

22 (III) historic sites; and

23 (IV) historically important collec-
24 tions of Cherokee artifacts; and

1 (D) the agricultural heritage established by
2 the Cherokee Indians, including medicinal and
3 ceremonial food crops, combined with the his-
4 toric European patterns of raising livestock,
5 culminating in the largest number of specialty
6 crop farms in North Carolina;

7 (4) the artifacts and structures associated with
8 those legacies are unusually well-preserved;

9 (5) the Blue Ridge Mountains are recognized as
10 having 1 of the richest collections of historical re-
11 sources in North America;

12 (6) the history and cultural heritage of the Blue
13 Ridge Mountains are shared with the States of Vir-
14 ginia, Tennessee, and Georgia;

15 (7) there are significant cultural, economic, and
16 educational benefits in celebrating and promoting
17 this mutual heritage;

18 (8) according to the 2002 reports entitled “The
19 Blue Ridge Heritage and Cultural Partnership” and
20 “Western North Carolina National Heritage Area
21 Feasibility Study and Plan”, the Blue Ridge Moun-
22 tains contain numerous resources that are of out-
23 standing importance to the history of the United
24 States; and

1 (9) it is in the interest of the United States to
2 preserve and interpret the cultural and historical re-
3 sources of the Blue Ridge Mountains for the edu-
4 cation and benefit of present and future generations.

5 (b) PURPOSE.—The purpose of this Act is to foster
6 a close working relationship with, and to assist, all levels
7 of government, the private sector, and local communities
8 in the State in managing, preserving, protecting, and in-
9 terpreting the cultural, historical, and natural resources
10 of the Heritage Area while continuing to develop economic
11 opportunities.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) HERITAGE AREA.—The term “Heritage
15 Area” means the Blue Ridge National Heritage
16 Area established by section 4(a).

17 (2) MANAGEMENT ENTITY.—The term “man-
18 agement entity” means the management entity for
19 the Heritage Area designated by section 4(c).

20 (3) MANAGEMENT PLAN.—The term “manage-
21 ment plan” means the management plan for the
22 Heritage Area approved under section 5.

23 (4) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior.

1 (5) STATE.—The term “State” means the State
2 of North Carolina.

3 **SEC. 4. BLUE RIDGE NATIONAL HERITAGE AREA.**

4 (a) ESTABLISHMENT.—There is established the Blue
5 Ridge National Heritage Area in the State.

6 (b) BOUNDARIES.—The Heritage Area shall consist
7 of the counties of Alleghany, Ashe, Avery, Buncombe,
8 Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Hen-
9 derson, Jackson, McDowell, Macon, Madison, Mitchell,
10 Polk, Rutherford, Surry, Swain, Transylvania, Watauga,
11 Wilkes, Yadkin, and Yancey in the State.

12 (c) MANAGEMENT ENTITY.—

13 (1) IN GENERAL.—As a condition of the receipt
14 of funds made available under section 9(a), the Blue
15 Ridge National Heritage Area Partnership shall be
16 the management entity for the Heritage Area.

17 (2) BOARD OF DIRECTORS.—The management
18 entity shall be governed by a board of directors com-
19 posed of 9 members, of whom—

20 (A) 2 members shall be appointed by
21 AdvantageWest;

22 (B) 2 members shall be appointed by
23 HandMade In America, Inc.;

1 (C) 1 member shall be appointed by the
2 Education and Research Consortium of West-
3 ern North Carolina;

4 (D) 1 member shall be appointed by the
5 Eastern Band of the Cherokee Indians; and

6 (E) 3 members shall—

7 (i) be appointed by the Governor of
8 the State;

9 (ii) reside in geographically diverse re-
10 gions of the Heritage Area;

11 (iii) be a representative of State or
12 local governments or the private sector;
13 and

14 (iv) have knowledge of tourism, eco-
15 nomic and community development, re-
16 gional planning, historic preservation, cul-
17 tural or natural resources development, re-
18 gional planning, conservation, recreational
19 services, education, or museum services.

20 **SEC. 5. MANAGEMENT PLAN.**

21 (a) IN GENERAL.—Not later than 3 years after the
22 date of enactment of this Act, the management entity shall
23 submit to the Secretary for approval a management plan
24 for the Heritage Area.

1 (b) CONSIDERATION OF OTHER PLANS AND AC-
2 TIONS.—In developing the management plan, the manage-
3 ment entity shall—

4 (1) for the purpose of presenting a unified pres-
5 ervation and interpretation plan, take into consider-
6 ation Federal, State, and local plans; and

7 (2) provide for the participation of residents,
8 public agencies, and private organizations in the
9 Heritage Area.

10 (c) CONTENTS.—The management plan shall—

11 (1) present comprehensive recommendations
12 and strategies for the conservation, funding, man-
13 agement, and development of the Heritage Area;

14 (2) identify existing and potential sources of
15 Federal and non-Federal funding for the conserva-
16 tion, management, and development of the Heritage
17 Area; and

18 (3) include—

19 (A) an inventory of the cultural, historical,
20 natural, and recreational resources of the Herit-
21 age Area, including a list of property that—

22 (i) relates to the purposes of the Her-
23 itage Area; and

1 (ii) should be conserved, restored,
2 managed, developed, or maintained because
3 of the significance of the property;

4 (B) a program of strategies and actions for
5 the implementation of the management plan
6 that identifies the roles of agencies and organi-
7 zations that are involved in the implementation
8 of the management plan;

9 (C) an interpretive and educational plan
10 for the Heritage Area;

11 (D) a recommendation of policies for re-
12 source management and protection that develop
13 intergovernmental cooperative agreements to
14 manage and protect the cultural, historical, nat-
15 ural, and recreational resources of the Heritage
16 Area; and

17 (E) an analysis of ways in which Federal,
18 State, and local programs may best be coordi-
19 nated to promote the purposes of this Act.

20 (d) EFFECT OF FAILURE TO SUBMIT.—If a manage-
21 ment plan is not submitted to the Secretary by the date
22 described in subsection (a), the Secretary shall not provide
23 any additional funding under this Act until a management
24 plan is submitted to the Secretary.

1 (e) APPROVAL OR DISAPPROVAL OF MANAGEMENT
2 PLAN.—

3 (1) IN GENERAL.—Not later than 90 days after
4 receiving the management plan submitted under
5 subsection (a), the Secretary shall approve or dis-
6 approve the management plan.

7 (2) CRITERIA.—In determining whether to ap-
8 prove the management plan, the Secretary shall con-
9 sider whether the management plan—

10 (A) has strong local support from land-
11 owners, business interests, nonprofit organiza-
12 tions, and governments in the Heritage Area;
13 and

14 (B) has a high potential for effective part-
15 nership mechanisms.

16 (3) ACTION FOLLOWING DISAPPROVAL.—If the
17 Secretary disapproves a management plan under
18 subsection (e)(1), the Secretary shall—

19 (A) advise the management entity in writ-
20 ing of the reasons for the disapproval;

21 (B) make recommendations for revisions to
22 the management plan; and

23 (C) allow the management entity to submit
24 to the Secretary revisions to the management
25 plan.

1 (4) DEADLINE FOR APPROVAL OF REVISION.—
2 Not later than 60 days after the date on which a re-
3 vision is submitted under paragraph (3)(C), the Sec-
4 retary shall approve or disapprove the proposed revi-
5 sion.

6 (f) AMENDMENT OF APPROVED MANAGEMENT
7 PLAN.—

8 (1) IN GENERAL.—After approval by the Sec-
9 retary of a management plan, the management enti-
10 ty shall periodically—

11 (A) review the management plan; and

12 (B) submit to the Secretary, for review
13 and approval, the recommendation of the man-
14 agement entity for any amendments to the
15 management plan.

16 (2) USE OF FUNDS.—No funds made available
17 under section 9(a) shall be used to implement any
18 amendment proposed by the management entity
19 under paragraph (1)(B) until the Secretary approves
20 the amendment.

21 **SEC. 6. AUTHORITIES AND DUTIES OF THE MANAGEMENT**
22 **ENTITY.**

23 (a) AUTHORITIES.—For the purposes of developing
24 and implementing the management plan, the management

1 entity may use funds made available under section 9(a)
2 to—

3 (1) make loans and grants to, and enter into
4 cooperative agreements with, the State (including a
5 political subdivision), nonprofit organizations, or
6 persons;

7 (2) hire and compensate staff; and

8 (3) enter into contracts for goods and services.

9 (b) DUTIES.—In addition to developing the manage-
10 ment plan, the management entity shall—

11 (1) develop and implement the management
12 plan while considering the interests of diverse units
13 of government, businesses, private property owners,
14 and nonprofit groups in the Heritage Area;

15 (2) conduct public meetings in the Heritage
16 Area at least semiannually on the development and
17 implementation of the management plan;

18 (3) give priority to the implementation of ac-
19 tions, goals, and strategies in the management plan,
20 including providing assistance to units of govern-
21 ment, nonprofit organizations, and persons in—

22 (A) carrying out the programs that protect
23 resources in the Heritage Area;

1 (B) encouraging economic viability in the
2 Heritage Area in accordance with the goals of
3 the management plan;

4 (C) establishing and maintaining interpre-
5 tive exhibits in the Heritage Area;

6 (D) developing recreational and edu-
7 cational opportunities in the Heritage Area; and

8 (E) increasing public awareness of and ap-
9 preciation for the cultural, historical, and nat-
10 ural resources of the Heritage Area; and

11 (4) for any fiscal year for which Federal funds
12 are received under section 9(a)—

13 (A) submit to the Secretary a report that
14 describes, for the fiscal year—

15 (i) the accomplishments of the man-
16 agement entity;

17 (ii) the expenses and income of the
18 management entity; and

19 (iii) each entity to which a grant was
20 made;

21 (B) make available for audit by Congress,
22 the Secretary, and appropriate units of govern-
23 ment, all records relating to the expenditure of
24 funds and any matching funds; and

1 (C) require, for all agreements authorizing
2 expenditure of Federal funds by any entity,
3 that the receiving entity make available for
4 audit all records relating to the expenditure of
5 funds.

6 (c) PROHIBITION ON THE ACQUISITION OF REAL
7 PROPERTY.—The management entity shall not use Fed-
8 eral funds received under section 9(a) to acquire real prop-
9 erty or an interest in real property.

10 **SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE.**

11 (a) IN GENERAL.—The Secretary may provide to the
12 management entity technical assistance and, subject to the
13 availability of appropriations, financial assistance, for use
14 in developing and implementing the management plan.

15 (b) PRIORITY FOR ASSISTANCE.—In providing assist-
16 ance under subsection (a), the Secretary shall give priority
17 to actions that facilitate—

18 (1) the preservation of the significant cultural,
19 historical, natural, and recreational resources of the
20 Heritage Area; and

21 (2) the provision of educational, interpretive,
22 and recreational opportunities that are consistent
23 with the resources of the Heritage Area.

24 **SEC. 8. LAND USE REGULATION.**

25 (a) IN GENERAL.—Nothing in this Act—

1 (1) grants any power of zoning or land use to
2 the management entity; or

3 (2) modifies, enlarges, or diminishes any au-
4 thority of the Federal Government or any State or
5 local government to regulate any use of land under
6 any law (including regulations).

7 (b) PRIVATE PROPERTY.—Nothing in this Act—

8 (1) abridges the rights of any person with re-
9 spect to private property;

10 (2) affects the authority of the State or local
11 government with respect to private property; or

12 (3) imposes any additional burden on any prop-
13 erty owner.

14 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There is authorized to be appro-
16 priated to carry out this Act \$10,000,000, of which not
17 more than \$1,000,000 shall be made available for any fis-
18 cal year.

19 (b) NON-FEDERAL SHARE.—The non-Federal share
20 of the cost of any activities carried out using Federal
21 funds made available under subsection (a) shall be not less
22 than 50 percent.

1 **SEC. 10. TERMINATION OF AUTHORITY.**

2 The authority of the Secretary to provide assistance
3 under this Act terminates on the date that is 15 years
4 after the date of enactment of this Act.

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